

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
	:	<u>ORDER</u>
-against-	:	
	:	21 Cr. 280 (AKH)
	:	
JAYQUAN SMITH,	:	
	:	
Defendant.	:	
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ALVIN K. HELLERSTEIN, U.S.D.J.:

My February 28, 2023 denial of the Government’s request to brief the issue of the legal sufficiency of Count Ten of the Superseding Indictment is hereby vacated. Upon reconsideration, no later than March 8, 2023, the parties shall brief the issue of the legal sufficiency of Count Ten, and more specifically, whether the ruling of the Supreme Court in *United States v. Taylor*, 596 U.S. __ (2022) applies to or limits 18 U.S.C. § 1959. The parties shall additionally address whether, in the event that Count Ten is found to be legally insufficient, the Defendant is subject to resentencing.

SO ORDERED.

Dated: March 1, 2023
New York, New York

/s/ Alvin Hellerstein
ALVIN K. HELLERSTEIN
United States District Judge